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groups, incorporating a biopharmaceutical into the microspheres through ionic interaction by suspending or equilibrating the microspheres in a solution comprising the biopharmaceutical and recovering and freeze-drying the biopharmaceutical-incorporated microspheres.

2. (Amended) The process of claim 1, wherein the injectable sustained release pharmaceutical composition is prepared by incorporation of a cationic biopharmaceutical into biodegradable porous microspheres having anionic functional groups and wherein the pH of incorporation solution is lower than the pI of the biopharmaceutical.

3. (Amended) The process of claim 1, wherein the injectable sustained release pharmaceutical composition is prepared by incorporation of an anionic biopharmaceutical into biodegradable porous microspheres having cationic functional groups and wherein the pH of incorporation solution is higher than the pI of the biopharmaceutical.

4. (Amended) The process of claim 1, wherein the biopharmaceutical is present in an amount from 0.1 % to 90 % weight.

5. (Amended) The process of claim 1, wherein the biodegradable porous microspheres comprises polylactides, polyglycolides, poly(lactide-co-glycolide)s, polycaprolactone, polycarbonates, polyesteramides, polyanhydrides, poly(amino acids), polyorthoesters, polyacetyls, polycyanoacrylates, polyetheresters, poly(dioxanone)s, poly(alkylene alkylate)s, copolymers of polyethylene glycol and polyorthoester, biodegradable polyurethanes or a mixture thereof.

6. (Amended) The process of claim 2, wherein the anionic functional groups comprise carboxyl, sulfonyl or phosphoryl groups.

7. (Amended) The process of claim 2, wherein the biodegradable porous microspheres are prepared from the blends of anionic surfactant and/or biocompatible materials having anionic functional group with biodegradable polymer.

8. (Amended) The process of claim 7, wherein the anionic surfactant comprises docusate sodium or sodium lauryl sulfate.

9. (Amended) The process of claim 3, wherein the cationic functional groups comprise primary, secondary, tertiary, or quaternary amine groups.

10. (Amended) The process of claim 3, wherein the biodegradable porous microspheres are prepared from the blends of cationic surfactant or biocompatible materials having cationic functional group with biodegradable polymer.

11. (Amended) The process of claim **Error! Reference source not found.**, wherein the cationic surfactant comprises benzalkonium chloride, benzethonium chloride, or cetrimide.

12. (Amended) The process of claim 1, wherein the biopharmaceutical comprises growth hormones, interferons, colony stimulating factors, interleukins, macrophage activating factors, macrophage peptides, B cell factors, T cell factors, protein A, suppressive factor of allergy, suppressor factors, cytotoxic glycoprotein, immunocytotoxic agents, immunotoxins, immunotherapeutic polypeptides, lymphotoxins, tumor necrosis factors, cachectin, oncostatins, tumor inhibitory factors, transforming growth factors, albumin and its fragments, alpha-1 antitrypsin, apolipoprotein-E, erythroid potentiating factors, erythropoietin, factor VII, factor VIII, factor IX, fibrinolytic agent, hemopoietin-1, kidney plasminogen activator, tissue plasminogen activator, urokinase, prourokinase, streptokinase, lipocortin, lipomodulin, macrocortin, lung surfactant protein, protein C, protein 5, C-reactive protein, renin inhibitors, collagenase inhibitors, superoxide dismutase, epidermal growth factor, platelet derived growth

factor, osteogenic growth factors, atrial naturetic factor, auriculin, atriopeptin, bone morphogenetic protein, calcitonin, calcitonin precursor, calcitonin gene-related peptide, cartilage inducing factor, connective tissue activator protein, fertility hormones (follicle stimulating hormone, leutinizing hormone, human chorionic gonadotropin), growth hormone releasing factor, osteogenic protein, insulin, proinsulin, nerve growth factor, parathyroid hormone, parathyroid hormone inhibitors, relaxin, secretin, somatomedin C, insulin-like growth factors, inhibin, adrenocorticotrophic hormone, glucagons, vasoactive intestinal polypeptide, gastric inhibitory peptide, motilin, cholecystokinin, pancreatic polypeptide, gastrin releasing peptide, corticotropin releasing factor, thyroid stimulating hormone, or vaccine antigens of, and anti-infective antibodies to, bacterial or viral or other infectious organisms and mutants or analogs thereof.

13. (Amended) The process of claim 1, further comprising preparing the biodegradable porous microspheres by solvent extraction or evaporation in aqueous or organic phase, phase separation, spray drying, low temperature casting or a supercritical gas fluid method.

14. (Amended) The process of claim 1, wherein porosity of the biodegradable porous microspheres is increased by addition of gas forming agents or salts during the microsphere preparation process.

15. (Amended) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises an acidifying agent.

16. (Amended) The process of claim 1, wherein incorporating the biopharmaceutical into the biodegradable porous microspheres is performed in an aqueous buffer solution, where the pH of the buffer is from 3.0 to 9.0, a salt concentration of the buffer is from 1 to 500 mM, an

incorporation temperature is from 5 to 50°C and an incorporation time is from 1 minute to 20 days.

17. (Amended) The process of claim 16, wherein the salt concentration of the buffer is from 5 to 200 mM, the incorporation temperature is from 30 to 42°C and the incorporation time is from 10 to 48 hours.

18 (Amended) The process of claim 16, wherein the aqueous buffer solution further comprises a release rate modifying additive or excipient or a cryoprotectant.

19. (Amended) The process of claim 1, further comprising coating the composition with one or more of gelatin, fibrin, or albumin.

20. (Amended) The process of claim 1, wherein the size of the microspheres is within the range from 0.01 to 500 μm.

21. (Amended) An injectable sustained release pharmaceutical composition prepared by the process comprising:

preparing biodegradable porous microspheres having accessible ionic functional groups;

incorporating a biopharmaceutical into the microspheres through ionic interaction by suspending or equilibrating the microspheres in a solution comprising the biopharmaceutical; and

recovering and freeze-drying the biopharmaceutical-incorporated microspheres.

Please add the following claims:

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22. (New) The process of claim 1, wherein the biodegradable porous microspheres comprise a protein.

23. (New) The process of claim 1, wherein the biodegradable porous microspheres comprise albumin, casein, collagen, fibrin, fibrinogen, gelatin, hemoglobin, transfferin, or zein.

24. (New) The process of claim 1, wherein the biodegradable porous microspheres comprise a polysaccharide.

25. (New) The process of claim 1, wherein the biodegradable porous microspheres comprise alginic acid, chitin, chitosan, chondroitin, dextrin, dextran, hyaluronic acid, heparin, keratan sulfate, starch and derivatives or blends thereof.

26. (New) The process of claim 14, wherein the salts comprise sodium chloride, calcium chloride or ammonium bicarbonate.

27. (New) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises lactic acid, glycolic acid, tartaric acid, citric acid, fumaric acid, or malic acid.

28. (New) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises an alkalizing agents.

29. (New) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises diethanolamine, mono ethanolamine, potassium citrate, sodium bicarbonate, calcium carbonate, magnesium